

October 22, 2013

***VIA ECFS AND ELECTRONIC MAIL***

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20536

**RE: Ex Parte Filing in Wireline Competition Bureau Docket 12-260, Petition  
of SMS/800, Inc. to Change Its Organizational Structure**

Dear Secretary Dortch:

The above referenced petition is currently in deliberation at the offices of Chairwoman Clyburn and the Commission.

As a concerned citizen and advocate for prudent public policy, I feel it's important that all parties interested in the outcome of this docket be made aware of a lawsuit filed against SMS/800, Inc. by its former Chief Executive Officer, Thomas FitzGerald. The complaint is publicly available and is on file with the Monroe County, New York Clerk. You may reference number 11227, filed on October 3, 2013.

Sincerely,

/s/ John T. Ambrosi

John T. Ambrosi  
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Copy to:

Chairwoman Clyburn, FCC  
Commissioner Pai, FCC  
Commissioner Rosenworcel, FCC  
General Counsel Lev, FCC